

REMARKS

The Office Action dated June 6, 2005 has been received and reviewed by the applicant. Claims 1-5 are in the application. Claims 1-5 stand rejected. Reconsideration is respectfully requested.

The Affidavit under 37 CFR 1.132 filed on December 29, 2004 is insufficient to overcome the rejection of claim 1 based upon Foster (U.S. 6,643,386) and claims 2-5 based upon Foster (U.S. 6,643,386) in view of Omori et al. (JP 2000-260968) as set forth in the last Office action because:

The submitted evidence is insufficient to establish *diligence* from a date prior to the date of reduction to practice of Foster (U.S. 6,643,386) and Omori et al. (JP 2000-260968) references to either a constructive reduction to practice or an actual reduction to practice.

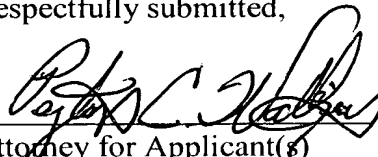
In response, a new Affidavit is submitted for supplying additional evidence of diligence from a date prior to the effective dates of either of the cited references. A copy of the original Affidavit is also submitted herewith for convenience.

Claim 1 stands rejected under 35 U.S.C. 102(e) as being anticipated by Foster (US 6,643,386). In light of the newly submitted Affidavit, it is respectfully submitted that Foster has been sworn behind and is not prior art to the subject application.

Should the Examiner consider that additional amendments are necessary to place the application in condition for allowance, the favor is requested of a telephone call to the undersigned counsel for the purpose of discussing such amendments.

For the reasons set forth above, it is believed that the application is in condition for allowance. Accordingly, reconsideration and favorable action are respectfully solicited.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.